IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 28004 of 1997

Between:

Smt. S.Jayalakshmi Devamma,

Proprietrix of M/s.Bheemeswara Oil Mill,

State Bank Colony, Nirmalanagar, Bellary Road, Kurnool.

..... PETITIONER

AND

1. The Chief Engineer (Electricity), Andhra Pradesh State Electricity Board, Cuddapah Zone, Cuddapah.
2. The Superintending Engineer, Operation Circle, Andhra Pradesh State Electricity Board, Kurnool – 518 003.
3. The Assistant Divisional Engineer, Distribution, Kurnool.
4. The Assistant Accounts Officer (ERO), A.P.S.E.B., Kurnool (Town), Kurnool.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other appropriate writ or order or direction holding that the action of the 1st respondent in dismissing the appeal without giving an opportunity of hearing and the action of respondents 1 to 4 in not restoring the power

supply as per the directions of this Hon'ble Court in W.P.No.9000 of 1997 dated 29.4.1997 as arbitrary, illegal and in gross violation of this Hon'ble Court and consequently quash the order of the 1st respondent in Lr.No.CE/C2/CDP/C&P/221/A-53-97-KNL/3190/97 dated 31.7.97 and direct the respondent authorities to restore the power supply forthwith.

Counsel for the Petitioner: MR.P.GIRISH KUMAR

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

Heard both sides.

In this writ petition, the petitioner is aggrieved against the order dated 31.07.1997 dismissing the substantive appeal filed by him without giving any notice of hearing. It is submitted that in fact against the dismissal of the appeal on the ground of delay, on the earlier occasion the petitioner has filed a writ petition in W.P.No.9000 of 1997, which was disposed of on 29.04.1997 with a direction to the appellate authority to consider the appeal filed by the petitioner and dispose of the same on merits after hearing the petitioner. However, it is now complained that in spite of the specific directions, the appellate authority did not give any notice of hearing and disposed of the appeal ex-parte. It is also pointed out that for violation of the said order of this Court, the appellate authority and the Officers concerned were already punished.

Having regard to the fact that admittedly the appeal was disposed of without giving any notice of hearing to the petitioner, the writ petition is allowed setting aside the impugned order dated 31.07.1997 and the matter is remitted back to the appellate authority for fresh disposal

of the appeal on merits in accordance with law after giving notice and opportunity to the petitioner. No costs.

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16.12.2004

VGB

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, The Sixteenth Day of December, Two Thousand and Four.

To

1. The Chief Engineer (Electricity), Andhra Pradesh State Electricity Board, Cuddapah Zone, Cuddapah.

2. The Superintending Engineer, Operation Circle, Andhra Pradesh State Electricity Board, Kurnool – 518 003.

3. The Assistant Divisional Engineer, Distribution, Kurnool.

4. The Assistant Accounts Officer (ERO), A.P.S.E.B., Kurnool (Town), Kurnool.

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